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**OFFICE OF PETITIONS**

In re Application of  
Leonard et al.  
Application No. 09/680,342  
Filed: October 5, 2000  
Attorney Docket No. ESI-116-B

**ON PETITION**

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed October 9, 2003, to revive the above-identified application.

The petition is **granted**.

This application became abandoned for failure to timely reply within three months to the final Office action mailed January 2, 2003. No extensions of time under the provisions of 37 CFR 1.136(a) were timely obtained. Accordingly, this application became abandoned on April 3, 2003.

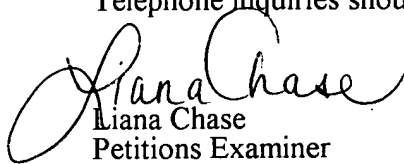
Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b).

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the \$930.00 extension of time fee submitted on July 28, 2003 is subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account as authorized.

**The Notice of Appeal filed July 28, 2003, has been entered and made of record. Accordingly, the 2-month period for filing the appeal brief, in triplicate, accompanied by the fee required by law, runs from the date of this decision.**

The file is now being forwarded to Technology Center 2800 for further processing.

Telephone inquiries should be directed to the undersigned at (703) 306-0482.

  
Liana Chase

Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy